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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date: 8/27/06

Date: 8/27/06 Name: G. Peter Nichols Signature: [Signature]

BRINKS  
HOFER  
GILSON  
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Froyland et al.

Appln. No.: 10/530,845

Filed: February 27, 2006

For: SYSTEM AND METHOD(S) OF MINE  
PLANNING, DESIGN AND PROCESSING

Attorney Docket No: 9378/186 (BHP00PUS01000)

Examiner: TBA

Art Unit: 2123

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450  
Sir:

TRANSMITTAL

Attached is/are:

- ☒ Transmittal Letter; Information Disclosure Statement; Form PTO-1449; cited references A1-A10 and
- ☒ Return Receipt Postcard

Fee calculation:

- ☒ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_\_).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

24 AUG 2006  
Date

Respectfully submitted,

[Signature]  
G. Peter Nichols (Reg. No. 34,401)

BRINKS HOFER GILSON & LIONE  
NBC Tower – Suite 3600, 455 N. Cityfront Plaza Drive, Chicago, IL 60611-5599

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### INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, and more particularly in accordance with 37 C.F.R. §1.97(b), Applicants hereby cite the following reference(s):

### OTHER DOCUMENTS

Bezdek, James C. et al., "Convergence Theory for Fuzzy c-Means: Counterexamples and Repairs", <i>IEEE Transactions on Systems, Man, and Cybernetics</i> , Vol. SMC-17, No. 5 pp. 873-877, September/October 1987
Brealey, S.C. et al., "Opencast Mining", <i>The Mining Engineer, I.M.E. (UK)</i> , No. 99, pp. 147-163, December 1968
Caccetta, Louis et al., "An Application of Branch and Cut to Open Pit Mine Scheduling", <a href="http://ructor.rutgers.edu/~do99/EA/SHill.doc">http://ructor.rutgers.edu/~do99/EA/SHill.doc</a> , pp. 1-24, 1999
International Search Report for PCT/AU03/01298, dated November 3, 2003
International Search Report for PCTAU03/01299, dated November 11, 2003
Kaas, L. Michael, "Computer Techniques for Production Scheduling and Blending of Taconite" <i>Proceedings of the 26<sup>th</sup> Annual Mining Symposium</i> , University of Minnesota, pp. 135-144, January 1965
Lerchs, Helmut et al., "Optimum Design of Open-Pit Mines, <i>Transactions, C.I.M.</i> , Vol. LXVII, pp. 17-24, 1965
Pana, M.T., "The Simulation Approach to Open-Pit Design", <i>Transactions of the Short Course and Symposium on Computers and Computer Applications in Mining and Exploration</i> , University of Arizona, pp. 1-24, March 1965
Underwood, R. et al., "A Mathematical Programming Viewpoint for Solving the Ultimate Pit Problem", <i>EJOR</i> , Vol. 107 pp. 96-107, 1998
Wharton, Christopher et al., "The Effect of Mining Width on NPV", <i>Proceedings of the 1997 Whittle Conference "Optimizing with Whittle"</i> , Perth, Western Australia, pp. 174-178, April 1997

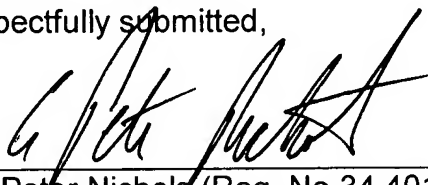
Applicants are enclosing Form PTO-1449 (one sheet), along with a copy of each listed reference for which a copy is required under 37 C.F.R. §1.98(a)(2). As each of the listed references is in English, no further commentary is believed to be necessary, 37 C.F.R §1.98(a)(3). Applicants respectfully request the Examiner's consideration of the above reference(s) and entry thereof into the record of this application.

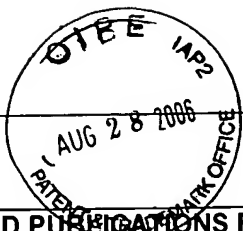
By submitting this Statement, Applicants are attempting to fully comply with the duty of candor and good faith mandated by 37 C.F.R. §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 C.F.R. §1.56(a).

Applicants have calculated no fee to be due in connection with the filing of this Statement. However, the Director is authorized to charge any fee deficiency associated with the filing of this Statement to a deposit account, as authorized in the Transmittal accompanying this Statement.

Respectfully submitted,

24 AUG 2006  
Date

  
G. Peter Nichols (Reg. No.34,401)



FORM PTO-1449	SERIAL NO. 10/530,845	CASE NO. 9378/186 (BHP00PUS01000)
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (use several sheets if necessary)	FILING DATE February 27, 2006	GROUP ART UNIT 2123
APPLICANT(S): Froyland et al.		

## REFERENCE DESIGNATION

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO

EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS <small>(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.</small>	
	A1	Bezdek, James C. et al., "Convergence Theory for Fuzzy c-Means: Counterexamples and Repairs", <i>IEEE Transactions on Systems, Man, and Cybernetics</i> , Vol. SMC-17, No. 5 pp. 873-877, September/October 1987
	A2	Brealey, S.C. et al., "Opencast Mining", <i>The Mining Engineer, I.M.E. (UK)</i> , No. 99, pp. 147-163, December 1968
	A3	Caccetta, Louis et al., "An Application of Branch and Cut to Open Pit Mine Scheduling", <a href="http://ructor.rutgers.edu/~do99/EA/SHill.doc">http://ructor.rutgers.edu/~do99/EA/SHill.doc</a> , pp. 1-24, 1999
	A4	International Search Report for PCT/AU03/01298, dated November 3, 2003
	A5	International Search Report for PCTAU03/01299, dated November 11, 2003
	A6	Kaas, L. Michael, "Computer Techniques for Production Scheduling and Blending of Taconite" <i>Proceedings of the 26<sup>th</sup> Annual Mining Symposium</i> , University of Minnesota, pp. 135-144, January 1965
	A7	Lerchs, Helmut et al., "Optimum Design of Open-Pit Mines, <i>Transactions, C.I.M.</i> , Vol. LXVII, pp. 17-24, 1965
	A8	Pana, M.T., "The Simulation Approach to Open-Pit Design", <i>Transactions of the Short Course and Symposium on Computers and Computer Applications in Mining and Exploration</i> , University of Arizona, pp. 1-24, March 1965
	A9	Underwood, R. et al., "A Mathematical Programming Viewpoint for Solving the Ultimate Pit Problem", <i>EJOR</i> , Vol. 107 pp. 96-107, 1998
	A10	Wharton, Christopher et al., "The Effect of Mining Width on NPV", <i>Proceedings of the 1997 Whittle Conference "Optimizing with Whittle"</i> , Perth, Western Australia, pp. 174-178, April 1997

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.